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By ECF

May 12, 2025

Hon. Marcia M. Henry
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Guan, et al. v. Noem, et al.*, No. 1:19-CV-06570 (PKC/MMH)

Dear Judge Henry:

We represent Plaintiffs Bing Guan, Go Nakamura, Mark Abramson, Kitra Cahana, and Ariana Drehsler in this action. Defendants are Kristi Noem, Secretary of the U.S. Department of Homeland Security (“DHS”); Pete Flores, Acting Commissioner for U.S. Customs and Border Protection (“CBP”); and Todd Lyons, Acting Director of U.S. Immigration and Customs Enforcement (“ICE”).¹

Plaintiffs write to respectfully request that the Court set a status conference in this action. Counsel for Plaintiffs understands from counsel for Defendants that Defendants take no position with respect to this request.

As the Court is aware, by letter dated January 6, 2025, the parties reported that they had reached a settlement-in-principle, subject to internal Department of Justice approvals. *See* ECF 123. Following the parties’ subsequent status report on January 27, 2025, the Court ordered that this action be dismissed with leave to reopen if a settlement is not finalized. Minute Order (Jan. 27, 2025). Plaintiffs thereafter moved to reopen this action on procedural grounds on February 10, 2025, *see* ECF 125, which the Court granted on February 12, *see* Minute Order (Feb. 12, 2025).

In support of their request for a status conference, Plaintiffs state that they provided a complete written draft of the settlement agreement to Defendants several months ago, and have been awaiting Defendants’ review. Plaintiffs have been regularly following up with counsel for Defendants during this time about the status of Defendants’ review. Nevertheless, while counsel for Defendants has been responsive in advising that Defendants’ internal review process is ongoing, Defendants have not provided a substantive response to this draft or any date by which they expect to be able to complete their internal review and provide such a response.

¹ Pursuant to Fed. R. Civ. P. 25(d), Kristi Noem, Pete Flores, and Todd Lyons automatically are substituted as Defendants.

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Because several months have now passed without further progress, Plaintiffs respectfully submit that a status conference is appropriate.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Andrew W. Hahn", with a stylized flourish extending to the right.

Andrew W. Hahn

cc: All Counsel of Record (by ECF)